

In the Claims:

Please delete claims 11-16 and 29-37 without prejudice and amend claims 1-7 and 9-10 as follows:

- 4537  
D2
- 3
1. (Amended) An isolated DNA molecule encoding a hypersensitive response eliciting protein or polypeptide, wherein the isolated DNA molecule is selected from the group consisting of (a) a DNA molecule comprising SEQ. ID. No. 1, (b) a DNA molecule encoding a protein comprising SEQ. ID. No. 2, (c) a DNA molecule from a source other than *Pseudomonas syringae* pv. *tomato* which hybridizes to a DNA molecule comprising the complement of SEQ. ID. No. 1 under conditions comprising hybridization at a temperature of about 65°C in a hybridization medium comprising about 1M NaCl, and (d) a DNA molecule complementary to DNA molecules (a), (b), or (c).
  2. (Amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule comprising SEQ. ID. No. 1.
  3. (Amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule encoding a protein comprising SEQ. ID. No. 2.
  4. (Amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule from a source other than *Pseudomonas syringae* pv. *tomato* which hybridizes to a DNA molecule comprising the complement of SEQ. ID. No. 1 under conditions comprising hybridization at a temperature of about 65°C in a hybridization medium comprising about 1M NaCl.
  5. (Amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule complementary to DNA molecules (a), (b), or (c).
  6. (Amended) An expression vector comprising the DNA molecule of claim 1.
  7. (Amended) An expression vector according to claim 6, wherein the DNA molecule is in sense orientation.

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C42  
9. (Amended) A host cell according to claim 8, wherein the host cell is a plant cell or a bacterial cell.

10. (Amended) A host cell according to claim 8, wherein the DNA molecule is comprised within an expression vector.